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Security Council

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Letter dated 29 April 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to write to you to express the concern of my Government about recent events in the Democratic Republic of the Congo and Rwanda.

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) made allegations last week, including statements to the media, about the presence of Rwandan troops in the Bunangana area in the territory of the Democratic Republic of the Congo. My Government categorically rejects these allegations and calls upon MONUC to conduct a more thorough investigation.

My Government would also like to put the following facts on record:

1. There are no Rwandan troops in Bunangana or elsewhere on the territory of the Democratic Republic of the Congo.

2. The incident of 21 April involving MONUC in Bunangana did not involve Rwandan troops.

3. The commander in charge of the troops encountered by the MONUC team, Lt. Col. Isaie Munyakazi, is a member of the armed forces of the Democratic Republic of the Congo and is a Congolese national, not a Rwandan.

4. The tendency of MONUC officers to consider all Rwandophone people (Kinyarwanda-speaking people) to be nationals of the Republic of Rwanda is as erroneous as if one were to consider all German-speaking peoples to be nationals of Germany. Kinyarwanda is the cultural language of many communities throughout the Great Lakes region, not only in Rwanda. MONUC should therefore exercise caution before labelling Kinyarwanda-speaking Congolese as nationals of Rwanda. This is an erroneous characterization which MONUC has made before, and my Government once again calls upon them to cease this characterization.

My Government is deeply troubled by the continued failure of the international community to comprehensively address the problem of the continued unfettered presence of armed, active and dangerous units of the Interahamwe, the militia responsible for the 1994 genocide, that are based in the Democratic Republic of the Congo. For 10 years, the international community has failed to deal with this problem despite numerous appeals by the Government and people of Rwanda, who

live under daily threat of attack from this group, the professed aim of which is to return to Rwanda to complete the genocide it began 10 years ago this month.

As a result of international inaction, this group has been allowed to continue to exist and to terrorize people in the western provinces of Rwanda and in the eastern Democratic Republic of the Congo. Repeated incursions by the Interahamwe into Rwanda over the last 10 years have met with no concern or alarm from the international community. This month alone, the Interahamwe launched four separate attacks on Rwanda from bases in the territory of the Democratic Republic of the Congo. Some details of these attacks are set out below.

7 April 2004

Area targeted: Remera Sector of Gikongoro Province in south-west Rwanda
Approximate number of attackers: 40
Type of weapons used by Interahamwe attackers: AK-47 rifles

8 April 2004

Time of attack: 11.30 p.m.
Area targeted: Kabuhanga sector, Mutura district of Gisenyi Province, north-west Rwanda
Approximate number of attackers: 240
Type of weapons used by Interahamwe attackers: AK-47 rifles, 60mm mortars, 82mm mortars, rocket-propelled grenades

9 April 2004

Time of attack: 10 p.m.
Area targeted: Rugano forest, Ruhengeri Province, north-west Rwanda
Approximate number of attackers: 300
Type of weapons used by Interahamwe attackers: AK-47 rifles, 60mm mortars, rocket-propelled grenades

20 April 2004

Time of attack: 7.30 a.m.
Area targeted: Gisanze sector, Nshili district of Gikongoro Province, south-west Rwanda
Approximate number of attackers: 20
Type of weapons used by Interahamwe attackers: AK-47 rifles

These attacks have been reported to MONUC although there appears to be very little progress or interest in seeking a comprehensive solution to the problem. For these four attacks, swift action by the Rwanda Defence Forces prevented the Interahamwe attackers from achieving their objectives. The attacks were repulsed and the attackers withdrew to their bases inside the Democratic Republic of the Congo. Although there were no reported civilian casualties or abductions, the attackers succeeded in stealing and destroying property and terrorizing the population.

With respect to the continued presence of armed, active and dangerous Interahamwe militia in the Democratic Republic of the Congo, my Government wishes to make the following two points:

1. The Security Council and MONUC, the Council's peacekeeping instrument in the region, must urgently work towards neutralizing the grave threat to international peace and security posed by the Interahamwe. We should remember that this is a militia that has planned and implemented genocide, and given the opportunity they would repeat this horrendous crime. Since 1994, Rwanda has made dozens of appeals to the Security Council to address this grave threat to world peace. Rwanda has also directed urgent appeals to the Secretary-General and to the Special Representative of the Secretary-General (see annexes I and II). Sadly, 10 years later, this problem has not been given the attention it deserves and as a result we find it difficult to point to any concrete progress in addressing it.

The Security Council should also recognize that the Interahamwe is the principal source of insecurity and violence in the Great Lakes region and that unless the problem is dealt with effectively, the efforts of the Council to establish peace and security will continue to be frustrated. For example the Interahamwe have been actively undermining the process of combatants by preventing those who would have been willing to surrender their arms and return peacefully to Rwanda from so doing. This obstruction of the peace process has not been challenged by the international community and continues unabated.

2. The Rwanda Government is dismayed by the continued failure of the Government of the Democratic Republic of the Congo to comprehensively address the problem of Interahamwe that are based in their territory. Over the last 10 years, Rwanda has also tried to engage successive Governments in Kinshasa in finding a solution to the problem, but instead of working with us towards solving the problem, Kinshasa Governments have actively sponsored these negative forces and, in violation of the Lusaka and Pretoria agreements and Security Council resolutions, have allowed them to operate freely in their territory and even recruited them to serve in the very ranks of the Kinshasa Governments' armed forces.

The Rwanda and Democratic Republic of the Congo Governments are both signatories to the Lusaka and Pretoria agreements. Rwanda complied with its commitments under both agreements and completed the pullout of its troops from the Democratic Republic of the Congo on 5 October 2002. The Government of the Democratic Republic of the Congo has not met its commitments under the two agreements to find a comprehensive solution to the problem of Interahamwe on its territory.

There has also been clear evidence of arms shipments to the Interahamwe from Kinshasa and elsewhere. In addition to the arms listed above which were used in this month's attacks, we have received credible information that the Interahamwe are in possession of anti-personnel and anti-tank landmines which they intend to use in Rwanda. The Council will recall that the supply of these arms is a violation of the arms embargo against them, and in the case of the anti-personnel mines, it is also a violation of International Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

In this connection, the Government of Rwanda urgently appeals to the Council to ensure that the Group of Experts that was formed pursuant to Security Council resolution 1533 (2004) investigates the source of arms supplied to Interahamwe and reports its findings to the Council.

Finally, the Government of Rwanda warmly welcomed the statement you made on behalf of the Security Council at the meeting commemorating the tenth anniversary of the genocide in Rwanda, held in the General Assembly plenary hall on 7 April 2004. As you correctly said in your statement, "People watching us in Rwanda, and in any other place in the world, should understand that the United Nations is serious about mastering the challenge." Mastering the challenge to prevent a recurrence of genocide must involve decisive international action against groups like the Interahamwe.

As you also correctly pointed out in your statement, "Knowledge, understanding and political will are commodities in constant need of reinvention and reaffirmation. This is particularly relevant for the preventive use of coercive measures authorized by the Security Council according to its competences under the United Nations Charter. Such measures may be necessary when other ways and means have proven insufficient and the Council needs to live up to its responsibilities in this regard". We believe that such preventive measures as prescribed under Chapter VII of the United Nations Charter are necessary and appropriate in order to address this grave threat to international peace and security posed by the Interahamwe. We appeal to the Council to take urgent action in this regard.

I would be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

Annex I to the letter dated 29 April 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Letter dated 22 February 2004 from the Minister of Foreign Affairs and Cooperation of Rwanda to the Secretary-General

Current issues in the Great Lakes Region of Africa

I have the pleasure to inform you that events in our subregion are evolving in a positive manner.

Rwanda has acted proactively to reach out to the Democratic Republic of the Congo in order to express its support for the transitional government established under the global all inclusive agreement. We have also communicated to the Government of the Democratic Republic of the Congo our concern about the continued presence of ex-forces armées rwandaises (FAR)/Interahamwe on the whole territory of the Democratic Republic of the Congo and offered to work with it to find a solution to this problem.

Rwanda has also continued to make its contribution to the return of durable peace and security in Burundi. We are hopeful that with the continued engagement of the region and the international community, the people of Burundi will soon begin to enjoy the fruits of peace and security for all.

In light of the above, Rwanda believes that the proposed international conference on peace, security, democracy and development in the Great Lakes Region should build on the momentum so far generated in a forward looking manner, in order to enhance cooperation in our region in all spheres, particularly in the four thematic areas that will be the subject of the conference.

Notwithstanding the above, however, Rwanda remains gravely concerned by the presence of the ex-FAR/Interahamwe forces, in their different politico-military formations, not only in the eastern Democratic Republic of the Congo, but in the whole territory of that country. Our concerns are shared by the Security Council in its resolution 1493 (2003), of 28 July 2003, which links, inter alia, the continuation of instability in the east of the Democratic Republic of the Congo, and the failure to carry out disarmament, demobilization, repatriation, resettlement and reintegration.

Recent events have since confirmed that ex-FAR/Interahamwe forces and allied militia are present in the central, southern and western parts of the Democratic Republic of the Congo, either attached to the FAC or as part and parcel of the Mai-Mai, a militia closely allied to the former government faction of the current administration in the Democratic Republic of the Congo.

You may recall that in its final report, the Third Party Verifications Mechanism (TPVM), established under the Pretoria agreement, clearly stated that Rwanda had withdrawn all troops from the Democratic Republic of the Congo, and this had been verified by both TPVM and MONUC. The report also clearly states that disarmament, demobilization, repatriation, resettlement and reintegration has not been completed.

At the request of the President of the Democratic Republic of the Congo, the Pretoria heads of state summit of 27 November 2003, at which you were represented

by your Special Representative to the Democratic Republic of the Congo, put an end to the TPVM but also called for the establishment of a bilateral mechanism between Rwanda and the Democratic Republic of the Congo to foster and monitor the implementation of the disarmament, demobilization, repatriation, resettlement and reintegration aspect of the Pretoria agreement. We have reached out to the Democratic Republic of the Congo authorities for a meeting to operationalize the bilateral mechanism to deal with this grave outstanding issue, and I regret to note that three months later our efforts have not yet met with success.

In the light of the above, Rwanda is therefore disappointed by some aspects of article 65 of your fourteenth report on the United Nations Organization Mission in the Democratic Republic of the Congo to the Security Council, dated 17 November 2003. Contrary to all objective evidence, it is inconceivable that baseless allegations of the presence of regular Rwanda military personnel should continue to appear in your report to the Council, our transparency and openness notwithstanding.

While we understand your interest in recommending to the Security Council mechanisms for the enforcement of provisions under resolution 1493 (2003) as expressed in paragraph 72 of the above-mentioned report, Rwanda finds it unconscionable that the recommendation of the United Nations International Commission of Inquiry into arms flows to former Rwandese government forces in the Great Lakes Region of Central Africa, a Commission established under Security Council resolution 1013 (1995), have never been the subject of such interest, that the recommendations contained therein have never been operationalized by the Security Council, and yet this is the core cause of the instability that continues to characterize our region.

Furthermore, we note that the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo did not have the mandate or the capacity to study the causes and patterns of the illegal flow of arms in the Great Lakes Region. We wish to remind that the arms flows identified by the panel predated any notion of exploitation of the resources of the Democratic Republic of the Congo, illegal or otherwise.

We therefore invite you to revisit the final report of the Kassem panel set up under resolution 1013 (1995), and recommend appropriate measures to the Security Council. We strongly believe that the final report of the commission set up under the above named resolution, rather than resolution 1493 (2003), should be the basis of action by the Council if durable peace is to return to the Region.

As we commemorate the tenth anniversary of the 1994 genocide, Rwanda would also like to record its strong disappointment that the "Ingvar Carlson report" into the actions of the United Nations in Rwanda in 1994 and the recommendations therein have never been the subject of debate or action by the Security Council. We would urge that you urge the Council to rectify this glaring anomaly in the shortest possible time.

We have consistently maintained that continued failure by the Security Council and the United Nations system in general to act under Chapter VII of the Charter of the United Nations, to bring about disarmament, demobilization, repatriation, resettlement and reintegration of the ex-FAR/Interahamwe constitutes a threat to international peace and security in the Great Lakes Region.

Rwanda finds that selectively enforcing provisions of resolution 1493 (2003) and empowering MONUC to act under Chapter VII and the suggested setting up of a monitoring mechanism under Chapter VII, while at the same time consistently refusing to endorse the use of Chapter VII for the disarmament, demobilization, repatriation, resettlement and reintegration of negative forces, particularly the genocidal forces present in the Democratic Republic of the Congo, is morally indefensible and legally unacceptable. It risks rolling back the successes we have registered in the last few months.

Finally, we recall that H.E. President Kagame, in his letter to you dated 9 September 2003, requested that an issue of utmost importance be brought to the attention of the Security Council for discussion. We await your reply.

(*Signed*) Dr. Charles **Murigande**
Minister of Foreign Affairs and Cooperation of Rwanda

Annex II to the letter dated 29 April 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Letter dated 9 September 2003 from the President of Rwanda to the Secretary-General

The peace process in the Democratic Republic of the Congo

You may recall that the peace process in the Democratic Republic of the Congo is based on two key agreements, namely the agreement for a ceasefire in the Democratic Republic of the Congo and the Pretoria agreement between the Government of Rwanda and the Government of the Democratic Republic of the Congo. As we welcome the enhanced mandate of MONUC and the efforts to establish the transition institutions provided for under the Congolese global all inclusive agreement, it is pertinent to evaluate the state of implementation of the said agreements.

I am especially concerned by the fact that a full halt to hostilities and the disarmament of foreign, armed groups, including particularly the ex-forces armées rwandaises (FAR) and Interahamwe, have not been achieved. The Security Council expressed similar concerns in its resolution 1493 (2003) of 28 July 2003, which links, inter alia, the continuation of hostilities in the East and the failure to carry out disarmament, demobilization, repatriation, resettlement and reintegration. The fact of the matter is that inspite of the two agreements and the deployment of MONUC in all its phases, the war continues and the ex-FAR and Interahamwe continue to receive support and a safe haven on Democratic Republic of the Congo territory.

We wish to remind you that the Lusaka and Pretoria agreements set up mechanisms to monitor the implementation, namely the Joint Military Commission (JMC) and Third Party Verifications Mechanism (TPVM), both working with MONUC. We are gravely concerned that the mounting pressure to dissolve these mechanisms leaves the actors without arbitration and shuts out important avenues of objective information. In withdrawing from all forms of collaboration with these bodies, MONUC reneges on important parts of its mandate.

I strongly believe that there is a commitment on your part to resolve these problems that have been the root cause of the unfortunate wars between successive Governments of the Democratic Republic of the Congo and Rwanda. It is our hope that, with its enhanced mandate, MONUC will continue to work with the parties, through JMC and TPVM, to monitor violations, track down, demobilize, disarm and repatriate armed groups, and halt arms flow into the area. Failure to do so risks plunging the region into turmoil once again.

As this matter is of the utmost importance in the restoration of peace and stability in our subregion, I would wish that it be brought to the attention of the Security Council for discussion at the earliest opportunity.

(*Signed*) Paul **Kagame**
President of Rwanda

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Letter dated 21 April 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the following statement on the Zengeza by-elections in Zimbabwe, issued on 15 April 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-33370 (E) 030504

Annex to the letter dated 21 April 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the Zengeza by-elections in Zimbabwe, issued on 15 April 2004 by the Presidency on behalf of the European Union

Declaration by the European Union in the wake of the Zengeza parliamentary by-elections

The European Union condemns the violence, intimidation and irregularities before and during the Zengeza parliamentary by-elections on 27 and 28 March 2004. The electoral environment cannot be deemed to have been free, fair or safe for the voters of Zengeza. The shooting incidents, which left one person dead and others wounded, are of special concern. The events in Zengeza set a worrying precedent for future elections, including the upcoming by-elections in Lupane in May 2004 and the planned March 2005 parliamentary elections.

The European Union calls on the Government of Zimbabwe to allow every political party and equal level of electoral freedom. The European Union emphasizes the importance of creating an electoral environment conducive to free and fair elections, in line with international standards such as the Southern African Development Community (SADC) Parliamentary Forum's Norms and Standards for Elections in the SADC Region. The European Union calls on all political parties to refrain from violence and intimidation before, during and after elections, and for the authorities to prevent violence, intimidation and irregularities.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia and Serbia and Montenegro, and the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

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Letter dated 21 April 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the situation in Darfur, Sudan, issued on 15 April 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-33376 (E) 030504

Annex to the letter dated 21 April 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the situation in Darfur, Sudan, issued on 15 April 2004 by the Presidency on behalf of the European Union

The European Union welcomes the signing of the humanitarian ceasefire agreement between the Government of the Sudan and the SLM/SLA and JEM. It calls on all parties to observe and scrupulously respect the rules of that agreement.

It congratulates the Chadian mediators for their efforts to promote the conclusion of the agreement.

It salutes the commitment of all parties to authorize unrestricted humanitarian access and facilitate the distribution of humanitarian assistance to the people of the Grand Darfur region.

In this context it is essential that the Sudanese Government fulfil its commitment to control the irregular armed forces known as the Janjaweed.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, and Serbia and Montenegro, and the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

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3 May 2004

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Letter dated 28 April 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on legislative elections in Indonesia, issued on 26 April 2004 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-33615 (E) 040504

Annex to the letter dated 28 April 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on legislative elections in Indonesia issued on 26 April 2004 by the Presidency on behalf of the European Union

The European Union has followed the legislative elections in Indonesia for several representative bodies on 5 April last with great interest. The elections were among the largest ever organized anywhere in the world and the organization was a monumental logistical task for the National Electoral Commission as more than 650 million ballot papers needed to be prepared and distributed and voting for four representative bodies took place at almost 600,000 voting stations.

Although the official results of the elections will not be known for some time, the European Union takes the opportunity to congratulate the people and the Government of Indonesia on the generally peaceful and competitive way in which the pre-election process and polling have taken place, and hopes that the coming presidential elections can be conducted in the same positive manner.

More than 200 independent European Union observers were stationed in the country to follow the election process. The European Union expresses its great appreciation for the work of the European Union Election Observation Mission, led by Glyn Ford, which provided a comprehensive statement on the electoral process in Indonesia. The European Union, through the continued efforts of the European Union Election Observation Mission, will continue to follow the coming presidential elections with great attention as well.

The European Union notes with great satisfaction that the elections have taken place in a positive spirit. Overall the elections appear to have been a success, although the preparations were marked by shortcomings and delays, especially in the production and distribution of ballot papers, and on election day there were a few delays and postponements in isolated parts of the country. The process appears to have been conducted peacefully, except for some incidents reported from Aceh. Regretfully, it was not possible for observers to observe fully in the province, so that information on Aceh's elections remains scarce. The European Union expresses the hope that during the coming presidential elections its observers will be able to observe fully the election process.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

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Letter dated 28 April 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on 10 years of democracy in South Africa issued on 27 April 2004 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-33591 (E) 040504

Annex to the letter dated 28 April 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on 10 years of democracy in South Africa issued on 27 April 2004 by the Presidency on behalf of the European Union

The European Union extends warm congratulations and good wishes to the Government and people of South Africa on the tenth anniversary of the achievement of democracy.

The European Union recognizes South Africa's remarkable achievement in establishing a strong and functioning democracy in a post-apartheid context. Faced with the legacy of the all-encompassing evil that was the apartheid regime, the European Union acknowledges South Africa's significant progress in terms of economic, social and constitutional reform.

South Africa has taken an active role on the international stage, especially on the continent of Africa in its continued efforts to bring peace to troubled regions and in supporting the economic revitalization of the continent.

The European Union looks forward to working closely with South Africa in the further deepening of our bilateral relations and in international forums.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.